

REMARKS**1. ELECTIONS / RESTRICTIONS**

Restriction has been required under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 1-10, 16-19, and 26, drawn to an isolated nucleic acid molecule that encodes a short-root protein, a vector, a genetically engineered cell, a method for producing a SHORT-ROOT polypeptide, a plant genetically engineered to overexpress a SHORT-ROOT protein or polypeptide, a transgenic plant;
- II. Claims 11-13, drawn to an isolated SHORT-ROOT polypeptide;
- III. Claim 14, drawn to an antibody that immunospecifically binds a SHORT-ROOT polypeptide;
- IV. Claim 15, drawn to an anti-idiotypic antibody that mimics an epitope of a SHORT-ROOT protein;
- V. Claims 16, 20 and 26, drawn to a plant genetically engineered to underexpress a SHORT-ROOT protein or polypeptide, and to a transgenic plant in which the transgene encodes an antisense nucleotide sequence that suppresses expression of endogenous SHORT-ROOT gene product;
- VI. Claims 16, 21 and 26, drawn to a plant genetically engineered to underexpress a SHORT-ROOT protein or polypeptide, and to a genetically engineered plant in which the endogenous SHORT-ROOT gene is disrupted or inactivated;

- VII. Claims 22-25 and 27, drawn to a transgenic plant containing a transgene encoding a gene of interest operatively associated with a SHORT-ROOT promoter;
- VIII. Claim 28, drawn to a method for identifying a compound which modulates expression of a SHORT-ROOT; and
- IX. Claim 29, drawn to a method for identifying a test compound capable of modulating root or shoot-specific gene expression.

The inventions are stated to be distinct, each from the other.

In order to be fully responsive, Applicants hereby elect the invention of Group VII, claims 22-25 and 27, drawn to a transgenic plant containing a transgene encoding a gene of interest operatively associated with a SHORT-ROOT promoter, classified in class 800, subclass 300.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

2. THE AMENDMENTS TO THE CLAIMS

Before this Amendment, Claims 1-29 were pending. Claims 22-25, 27, and 30-32 will be pending upon entry of this Amendment. Claim 1-21, 26, and 28-29 have been canceled without prejudice. Applicants expressly reserve the right to prosecute claims drawn to any canceled or subject matter removed by amendment in related applications.

New claims 30-33 have been added. The subject matter of the amendments to the claims is fully supported in the specification as originally filed and these claims are within the elected group.

Support for new claim 30 may be found, *inter alia*, in the specification at page 41, line 30 to page 42, line 6; page 43, lines 11-13; page 70, lines 10-24; and in Figure 11.

Support for new claim 31 may be found, *inter alia*, in the specification at page 12, lines 5-10 and 23-33; and in Figure 11.

Support for new claim 32 may be found, *inter alia*, in the specification at page 12, lines 5-33; page 20, lines 3-13; page 41, line 30 to page 42, line 6; page 43, lines 11-13; page 66, line 15 to page 67, line 20; page 70, lines 10-24; and in Figures 3A-3G, 4A-4F, and 11.

Support for new claim 33 may be found, *inter alia*, in the specification at page 12, lines 5-33; page 20, lines 3-13; page 41, line 30 to page 42, line 6; page 43, lines 11-13; page 66, line 15 to page 67, line 20; page 70, lines 10-24; and in Figures 3A-3G, 4A-4F, and 11.

No new matter has been added by way of these amendments.

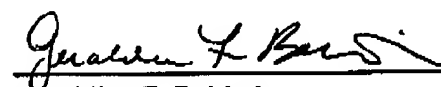
A copy of the claims that will be pending upon entry of this Amendment is attached as Exhibit A.

Applicants respectfully note that an Information Disclosure Statement and a List of References Cited listing references AA-EP, together with a copy of references AA-EP, were previously filed on June 22, 2001 in connection with the above-identified application. A copy of each of the Information Disclosure Statement and the List of References Cited is enclosed for the Examiner's convenience.

Applicants respectfully request that all the references cited be made of record in the file history of the present application.

Respectfully submitted,

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Attachments:

Exhibit A: Claims Pending Upon Entry of the Amendment of November 19, 2001

Exhibit B: Copy of each of the Information Disclosure Statement Under 37 C.F.R. § 1.56 and § 1.97 and the List of References Cited (Form PTO 1449) previously filed on June 22, 2001 in connection with U.S. Patent Application Serial No. 09/578,827